

**Rule 46. Admission to the Bar.**

**(c) Admission Without Examination of Members of the Bar of Other Jurisdictions.**

**(4) Special Legal Consultants.**

**(A) Licensing Requirements.** In its discretion, the court may license to practice as a Special Legal Consultant, without examination, an applicant who:

**(1)** Has been admitted to practice (or has obtained the equivalent of admission) in a foreign country, and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country;

**(2)** Possesses the good moral character and general fitness requisite for a member of the Bar of this court;

**(3)** Intends to practice as a Special Legal Consultant in the District of Columbia and to maintain an office for such practice in the District of Columbia which, if the applicant is a teacher of law at a law school approved by the American Bar Association, may be the office of the teacher at the law school; and

**(4)** Is at least twenty-six years of age.

**(B) Filings Required.**

**(1)** An applicant for a license to practice as a Special Legal Consultant shall file with the Committee:

**(a)** a typewritten application in the form prescribed by the Committee addressed to the court in executive session, which without further order of the court shall be referred to the Committee;

**(b)** a certified check, cashier's check, or money order in the amount of \$450.00 made payable to the Clerk, D.C. Court of Appeals;

**(c)** a certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English;

**(d)** a summary of the law and customs of the foreign country that relate to the opportunity afforded to members of the Bar of this court to establish offices for the giving of legal advice to clients in such foreign country.

(2) Upon a showing that strict compliance with the provisions of subparagraph (B)(1)(c) of this paragraph (4) is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a Special Legal Consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(3) The Committee may investigate the qualifications, moral character, and general fitness of any applicant for a license to practice as a Special Legal Consultant and may in any case require the applicant to submit any additional proof or information as the Committee may deem appropriate. The Committee may also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

**(C) Opportunity to Establish Law Office in Applicant's Country of Admission.** In considering whether to license an applicant to practice as a Special Legal Consultant, the court may in its discretion take into account whether a member of the Bar of this court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in subparagraph (A)(1) of this paragraph (4)). Any member of the Bar who is seeking or has sought to establish an office in that country may request the Court to consider the matter, or the Court may do so sua sponte.

**(D) Scope of Practice.** A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia, notwithstanding the prohibitions of Rule 49 (b), subject, however, to the limitations that any person so licensed shall not:

(1) appear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49 (b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer;

(2) prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(3) prepare:

(a) any will or trust instrument effecting the disposition on death of any property located in the United States and owned, in whole or in part, by a resident thereof, or

(b) any instrument relating to the administration of a decedent's estate in the United States;

(4) prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States or the custody or care of one or more children of any such resident;

(5) render professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (4)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter at hand and has been identified to the client by name;

(6) in any way hold himself or herself out as a member of the Bar of this court; or

(7) use any title other than one or more of the following, in each case only in conjunction with the name of the person's country of admission:

(a) "Special Legal Consultant";

(b) such Special Legal Consultant's authorized title in foreign country of his or her admission to practice;

(c) the name of such Special Legal Consultant's firm in that country.

**(E) Disciplinary Provisions.**

(1) Every person licensed to practice as a Special Legal Consultant under this paragraph (4):

(a) shall be subject to the Code of Professional Responsibility of the American Bar Association, as amended by the court, to the extent applicable to the legal services authorized under this paragraph (4), and shall be subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court; and

(b) shall execute and file with the Clerk, in such form and manner as the court may prescribe:

(i) a written commitment to observe the Code of Professional Responsibility as referred to in subparagraph (E)(1)(a) of this paragraph (4);

(ii) an undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the Special Legal Consultant's proper professional conduct and responsibility;

(iii) a duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the court as his or her agent upon whom process may be served, with like effect as if served personally upon the Special Legal Consultant, in any action or proceeding thereafter brought against the Special Legal Consultant and arising out of or based upon any legal services rendered or offered to be rendered by the Special Legal Consultant within or to residents of the District of Columbia, whenever after due diligence service cannot be made upon the Special Legal Consultant at such address or at such new address in the District of Columbia as he or she shall have filed in the office of the Clerk by means of a duly acknowledged supplemental instrument in writing; and

(iv) a written commitment to notify the Clerk of the Special Legal Consultant's resignation from practice in the foreign country of his or her admission or of any censure in respect of such admission, or of any suspension or revocation of his or her right to practice in such country.

(2) Service of process on the Clerk pursuant to the designation filed as aforesaid shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by the Clerk to receive service, at the Clerk's office, duplicate copies of such process together with a fee of \$10.00. Service of process shall be complete when the Clerk has been so served. The Clerk shall promptly send one of the copies to the Special Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the Special Legal Consultant at the address given to the court by the Special Legal Consultant as aforesaid.

(3) In imposing any sanction authorized by subparagraph (E)(1)(a), the court may act sua sponte, on recommendation of the Board on Professional Responsibility, or on complaint of any person. To the extent feasible, the court shall proceed in a manner consistent with its Rules Governing the Bar of the District of Columbia.

#### **(F) Affiliation With the District of Columbia Bar.**

(1) A Special Legal Consultant licensed under this paragraph (4) shall not be a member of the District of Columbia Bar, provided, however, that a Special Legal Consultant shall be considered an affiliate of the Bar subject to the same conditions and requirements as are applicable to an active or inactive member of the Bar under the court's Rules

Governing the Bar of the District of Columbia, insofar as such conditions and requirements may be consistent with the provisions of this paragraph (4).

(2) A Special Legal Consultant licensed under this paragraph (4) shall, upon being so licensed, take the following oath before this court, unless granted permission to take the oath in absentia:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that as a Special Legal Consultant with respect to the laws of \_\_\_\_\_, licensed by this court, I will demean myself uprightly and according to law.”